



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MICHAEL J. SULLIVAN

DIRECTOR

February 27, 1996

AO-96-05

Colleen Campion
9 Fernwood Drive
Westford, MA 01886

Re: School Room

Dear Ms. Campion:

This letter is in response to your January 26, 1996 request for an advisory opinion regarding School Room.

School Room organized in 1988 to support passage of a school-related override question. Instead of dissolving the ballot question committee after the vote, School Room remained in existence in subsequent years to support other override questions and as a grassroots civic organization, "to support public education" in Westford. In doing so, School Room continued to use the same account which was established by the original ballot question committee. In part because the group failed to dissolve after the vote on the ballot question which the group was initially organized to support, this office issued a letter on November 20, 1995, advising School Room to take certain actions in accordance with M.G.L. c. 55, the Massachusetts campaign finance law. In particular, School Room was advised to dissolve its ballot question committee.

As noted in the November 20 letter, the campaign finance law specifies that upon dissolution of a political committee, residual funds may be donated to the Local Aid Fund of the commonwealth, a charitable or religious organization, a scholarship fund, or the general fund of any city or town in the commonwealth. See M.G.L. c. 55, s. 18. The letter specified, however, that given the specific facts of the case, funds still in School Room's account could be used, prior to the formal dissolution of the ballot question committee, for purposes consistent with the group's purpose, since School Room raised funds both as a grassroots civic organization and as a ballot question committee. It was assumed that School Room would dissolve as a ballot question committee after making the disbursements consistent with the group's purpose.

The letter concluded that after the disbursements and prior to dissolution of the ballot question committee, School Room should donate all funds remaining in its account to the group's scholarship fund, in connection with the upcoming town meeting, "or for other uses consistent with the group's addressing educational issues in Westford." The letter specified that such funds could not be used to influence the outcome of a new ballot question.

You have stated that after making these disbursements, School Room will file a dissolution report to formally disband as a ballot question committee. The group will thereafter maintain its name but function only as a civic group providing information to the public about the Westford public schools. School Room's stated goal is to "educate, influence and motivate the community by sharing information and encouraging discussion" regarding the Westford public schools.

Your first question relates to your proposal for how the \$1,294.47 in School Room's account, raised while School Room was acting both as a ballot question committee and as a civic organization, may be used. The remaining questions relate to activities which may be undertaken by the new "grassroots" civic organization. I will answer each of your questions separately.

- 1. May School Room dispose of funds, raised while acting as both a ballot question committee and a civic organization, in accordance with the proposal specified in your letter?**

Yes. Since the proposal does not involve an expenditure to influence the outcome of a ballot question, and is consistent with the purpose of the group as stated in its last statement of organization, it would be consistent with the requirements specified in our November 20 letter.

School Room proposes to donate \$100 to each of the six School Councils in Westford, totaling \$600. You have stated that as advisory bodies to the principals of each school, the School Councils can best determine how this money can be allocated to best serve the students of their respective schools. You have also stated that the school councils will not use the funds to distribute information relating to ballot questions.

In addition, School Room proposes to retain the balance of \$694.47 to fund the distribution of one or perhaps two newsletters that will inform parents and the general public about educational issues that affect the Westford schools. You contend that this use would be consistent with School Room's original statement of organization, which provided that the purpose of the group was "to support public education in Westford." Topics which you are considering for future newsletters include the effect of class size on learning and the impact of Education reform and Curriculum Frameworks on Westford's school system. You have provided copies of each of the last two newsletters issued by the group, which you state reflect the tone and scope of future newsletters.

Newsletters which are produced using these funds should not address issues which might reasonably be interpreted as relating to the subject of an upcoming ballot question. For example, a newsletter dealing with the issue of school expansion or class size should not be distributed prior to consideration or debate on a ballot question relating to these issues.

If the school councils do not use the funds to influence a ballot question, and if the group ensures that newsletters paid for with these funds do not provide information regarding a ballot question or the subject of a ballot question, or advocate a position on a ballot question, School Room may make the expenditures as described.

2. **May School Room form a separate ballot question committee, regarding an anticipated debt exclusion ballot question, where the specific ballot question has not been officially determined.**

Yes. A ballot question committee may be formed if the specific subject of an anticipated ballot question is known, even if it is not known when, or if, the question might appear on a ballot.

You have stated that School Room plans to form a separate ballot question committee to support the expansion of Westford Academy. A small portion of the architectural and engineering fees for this expansion were approved at a Special Town Meeting in October. A debt exclusion for this project will be brought before the voters in either May or November. You have asked if such a ballot question committee can be formed now, even if the question might appear on the ballot in November rather than May. The ballot question committee would be distinct from School Room, maintaining a separate bank account.

Ballot question committees are organized to support "specific and identifiable" questions. See AO-95-11. A ballot question is specific and identifiable if the specific subject matter of the question is known at the time the committee is organized. Since you know the specific issue which would become the substance of a ballot question, a committee may be formed now, even if you do not know when the question might be on the ballot.

3. **If the anticipated ballot question does not appear on the May ballot, would the ballot question committee have to dissolve, or could it continue its work?**

The ballot question committee could continue its work. As noted in response to your second question, a ballot question committee may be formed where the purpose is specific and identifiable.

4. **Could School Room, now a civic organization, donate any money to this ballot question committee once it is formed? If so, what limit would apply to the amount of money donated?**

Once School Room has become a civic organization and has purged all funds raised while a ballot question committee, it may make donations, using funds raised as a civic organization, to the ballot question committee. It may not, however, raise funds on behalf of the ballot question committee; all funds raised for the purpose of influencing a ballot question must be raised by the ballot question committee, and disclosed by that committee.

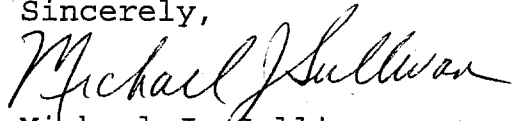
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As a civic organization, School Room would be required to disclose all expenditures relating to a ballot question on Form CPF 112 (Report of Association, Organization or Other Group Expending for Ballot Questions). The original form must be filed with the town clerk. I have enclosed a copy of the form for information.

This opinion has been rendered solely on the basis of representations made in your letter, and solely in the context of M.G.L. c. 55.

Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael J. Sullivan". The signature is fluid and cursive, with the first name "Michael" being the most prominent.

Michael J. Sullivan
Director

MJS/cp
cc: Elaine McKenna, Westford Town Clerk
Enclosure